

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
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IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

David Silver
4001 Office Court Drive
Suite 604
Santa Fe, NM 87507

Plaintiff

Case No. CV 15-830 WPL/KK

Quora, Inc.
650 Castro Street
Mountain View, CA 94041 – 2012

Defendant

Adam d'Angelo
Founder, Principal Owner and CEO
Quora, Inc.
650 Castro Street
Mountain View, CA 94041 – 2012

Defendant

Judge _____

Trial by Jury Demanded

David Silver, for his cause of action herein, states as follows:

JURISDICTION

1. Plaintiff David Silver is, and at all times relevant hereto, was a resident of the state of New Mexico, and owner of several businesses that provide private equity funding to clients throughout the United States and the State of New Mexico.
2. The Defendants, Quora and Adam d'Angelo at all times relevant hereto, were residents of the state of California engaged in interstate commerce through its Internet activities in all states including the State of New Mexico..
3. With nearly 9,000,000 average monthly visitors, including Plaintiff, to Defendants' Web site, www.quora.com, it is a fact that Defendants do business in New Mexico, and thus a subject to the New Mexico Long-Arm Statute sec. 38-1-16 and the Defendants are subject to the jurisdiction of the Courts of this state.

FACTUAL STATEMENTS

4. Quora is an online publisher, of a type often compared with Wikipedia, for several reasons including lack of revenue channels or advertising, that gathers opinions from persons who subscribe to its website service, whereas Wikipedia gathers factual information in the manner of an Encyclopedia.
5. Co-founded in 2009 by Defendant, Adam d'Angelo, who achieved wealth of more than \$600 million as an early Facebook employee, as reported in Wikipedia, Quora also is among the most popular Web sites in the world with 9,155,074 in July, 2015, up from 8,810,896 unique monthly visitors and subscribers in June August, 2015, up from 500,000 unique monthly visitors in 2011, according to Compete.com a publisher of the number of visitors to all Web sites of size.
6. According to Compete.com, Quora is the 180th most visited Web site in the world in July, 2015 whereas it ranked 199 in June; so, it is rapidly gaining new visitors each month. and according to Alexa, a competitive scorekeeper to Compete.com, Quora was the 136th most visited Web site in the world as of July, 2015 a one point improvement over June's ranking of 137th most visited Web site in the world.
7. Quora's published instructions to visitors and subscribers to its Web site that wish to post a statement or express an opinion about someone or something, is that they are required to register with their real names and not with their screen names, also known as user names or handles.
8. Quora advertises itself as a question-and-answer Website where questions are asked, answered, edited and organized by its community of contributors and users.
9. On or about September 7, 2012 Defendants published in their online newspaper a statement by a fictitious person who used the name Tessa Salton falsely stating that Plaintiff is "not licensed or accredited any longer. A fraud."
10. The statements remains on view on Quora today for its nearly 9,200,000 regular monthly visitors to read.
11. There is no person named Tessa Salton on Facebook or LinkedIn and no person named Tessa Salton is listed as a member of Quora; and thus, it is not the real name of a Quora user, but a fake name or a user name, thus in violation of and wanton and willful disregard for Quora's announced rules and regulations that it only publishes statements submitted by registered subscribers.
12. The Tessa Salton statement of fact about Plaintiff remains up today for the World to see; and even if it were taken down, it has been copied and circulated on the Internet, and can be copied and circulate forever. Note that it is not an opinion buy a statement of fact.
13. On or about October 16, 2013 Defendants published in their online newspaper a statement by Neil MacAskill concerning Plaintiff that "You are better off buying lottery

tickets. One of our checks to him supposedly got lost so we sent him another. Then he cashed both and never did a thing for us. Said he built a business development plan but never delivered it. Save your money."

14. There are two persons named Neil MacAskill or Neil Macaskill (lower case "A") that have a digital existence, and thus had the capability of posting a statement on Quora. Each of them has written to Plaintiff that they did not post a comment of any kind on Quora and they have never met Plaintiff.
15. Capital "A" MacAskill's email to Plaintiff dated September 3, 2015 says, "May I make abundantly clear – I have never had any dealings with you or your company in any shape or form and the Neil MacAskill that has posted on the Internet is NOT ME !!"
16. The lower case "a" Macaskill's email to Plaintiff dated September 10, 2015 says, "Can I assure you that not only did I not write the derogatory post you referred to but I do not have an account on Quora. I would advise getting in touch with the Quora site owners – as publishers of the material they are responsible for removing it."
17. Plaintiff sent Defendants a Federal Express letter on December 30, 2014 demanding a removal of the untruthful statements, but Defendants did not respond. However each and every day since December 30, 2014, Defendant Quora has republished these false, defamatory statements of and concerning Plaintiff. Note that these are statements of fact and not opinions.
18. Plaintiff sent Defendants a Certified Letter on August 20, 2015 again demanding that the Tessa Salton and Neil MacAskill statements – by these fictitious people – be removed.
19. In response, Defendant Quora sent Plaintiff an unsigned, impersonal form letter on August 31, 2015 stating it would not remove the content regarding Plaintiff stating that "it is not liable for postings made by visitors to the site," citing the Communications Decency Act (47 U.S.C. sec. 230).
20. Plaintiff points out that the statements were not made by visitors to the site, but rather Defendants willingly, wantonly and recklessly published libelous statements of their own, by republishing these defamatory statements or new that the negative postings were from violators of Defendants' rules, and thus Defendants acted with actual malice intended, as Tessa Salton does not have a digital existence, and thus could not publish a statement in a digital newspaper and the two Neil MacAskills, who have digital existences, deny publishing the libelous statements on Quora that Quora falsely attributes to them.

FIRST CAUSE OF ACTION – LIBEL

21. The allegations contained in paragraphs 1 – 20 above, are hereby incorporated and repeated as if fully rewritten herein.
22. The statements set forth above were republished by Quora and contained on the Quora Website for nearly 9,200,000 people to see every day, including residents of the State of New Mexico, about David Silver are false.

23. Defendants knew the statements to be false, because neither Tessa Salton nor either of the Neil MacAskills have accounts with Quora, and could not have been the authors of the libelous statements.
24. Plaintiff has neither lost his accreditation nor his license, as the Tessa Salton quote states and to make that false statement to nearly 9,200,000 live monthly visitors to the Quora Web site is extremely damaging to an investment banker, as is Plaintiff, with all existing and potential new clients.
25. An important Utah bank and lender of Small Business Administration ("SBA") guaranteed loans, upon reading on Quora that Plaintiff lost his license, wrote Plaintiff in July, 2015 that he may not present applicants for SBA loans to this Utah bank because of his lost license.
26. Plaintiff had submitted two applications to the Utah bank – one for SPARO, a Maryland company formed to improve the process of charitable giving and the other for a New Mexico company, Awesome Harvest, that makes a cloth container for new plants to enable the roots to expand, as opposed to a plastic container, where the roots are blocked as they grow.
27. In May, 2015 Plaintiff was contacted by a consultant to America's oldest African-American university, which was about to lose its accreditation from the Higher Learning Commission, to find \$37,500,000 in a hurry to save the school's very existence. Plaintiff did so with one phone call. Happily, the university's enrollment this September is 640 students, up from 320 last year, and it is short of dormitory space. Its accreditation is no longer in jeopardy.
28. Soon thereafter, learning of Plaintiff's money raising abilities for universities who have been notified that their accreditation is in serious jeopardy, a consultant to a Vermont college contacted Plaintiff to assist it in raising \$6,500,000 to save its very existence. But after Plaintiff accepted the challenge, the consultant then notified Plaintiff that because of what they read on Quora, they could not use his services.
29. Plaintiff has been raising capital for start-ups and early stage, entrepreneur-driven companies from angel investors, venture capital funds and lenders for going on 44 years, without any complaints filed with Federal or state regulatory agencies, notwithstanding that Plaintiff has never applied for nor received a broker dealer license; thus, Plaintiff could not have lost his license.
30. Defendants were grossly negligent and acted recklessly in disregarding these statements truth or falsity and in failing to determine whether the authors of the statements were actual people who had proof of doing business with Plaintiff and had accounts with Quora, which permitted them to author a statement.
31. Defendants were negligent and acted willfully, recklessly and wantonly in failing to determine whether the statements by Tessa Salton and Neil MacAskill were true before approving their publication.

32. Plaintiff has for the last 44 years raised more capital for more entrepreneurs and early stage businesses – approximately \$1.2 billion for more than 350 clients – and thereby played a positive role in the creation of more than 2,000,000 American jobs, and when potential clients flee from doing business with Plaintiff because of slanderous statements that they read on the Quora Website, it damages more than just Plaintiff, it damages the economy.
33. Plaintiff created an angel dinner and funding club upon arriving in Santa Fe, NM in 1981, and from a group of angel investors invited to attend one of these events was launched the E-Z Pass – created by a Los Alamos National Labs scientist, and used by every cargo ship so they are never lost and attached to the windshields of numerous cars and trucks to enable them to speed through toll booths while the toll collector charges their credit cards. The New York Port Authority has forced states to use a variant of the name E-Z Pass, which as the first adopter, they claimed trademark rights. “EZ” appears in just about every state’s version of the E-Z Pass.
34. In 1983, Plaintiff raised \$3,000,000, and it handed over to Los Alamos National Labs, for the transfer of a flow cytometer device used for the rapid diagnosis of dengue fever and strep throat – seven minutes versus four to five days – and therefore quite a life saver. This was the technology transfer from a national laboratory -- Los Alamos -- to an entrepreneurial company, formed and funded by Plaintiff, called Mesa Diagnostics, Inc., resulting in public praise from President Ronald Reagan.
35. In 2014 Plaintiff raised angel capital for Nanocrystals Technology, Inc., Elmsford, NY a company, in conjunction with the Albert Einstein School of Medicine in Bronx, NY, that uses proprietary magnetic nano particles (extremely tiny magnets) to (a) blast cancerous tumors out of the body and (b) to become the first health sciences company to pierce the blood brain barrier, and thus permit scientists to “see” what Parkinson’s, Alzheimer’s, Lou Gehrig’s Disease and other diseases of the Central Nervous system actually look like. A very important breakthrough, that without Plaintiff’s efforts, may not have occurred. However, even with that achievement, the management of Nanocrystals Technology, Inc., upon reading about Plaintiff on Quora, told him he could no longer continue raising capital for the company.
36. Plaintiff has written more books to explain the entrepreneurial process – 33 published by Harper Collins, John Wiley, McGraw Hill, Dearborn and others – than any other person on the planet and has thus helped to create the buoyant entrepreneurial economy, that we are currently experiencing.
37. Because of the large number of entrepreneurs who have been assisted by Plaintiff as a capital raiser and an author, *USA Today* wrote of him in 1986, “If entrepreneurship has a high priest, it is David Silver.”
38. With the success of his book on America’s 100 greatest women entrepreneurs, entitled “Enterprising Women”, Plaintiff was invited by President Bill Clinton to speak to 350

women entrepreneurs in 1996 who were invited to the White House to hear Plaintiff and other leading spokespersons for entrepreneurship and job creation.

39. In comparison, Defendant d'Angelo made his \$600 million-plus fortune at Facebook, which is a profiler, an Orwellian capturer of people's words; i.e., it sells profiled information on the conversations of people to advertisers and owners of consumer brands, for the most part, a function that may help marketers of soap frame their ads more pointedly, but is not a job creator.
40. Defendant d'Angelo segued from Facebook to Quora where he once again captures the conversations of people, but Defendant d'Angelo does not care if those people exist or not, and he does not disambiguate opinion from statements of fact.
41. Defendants permit the libel of Plaintiff who, along with his clients are useful contributors to the economy, which in subject case causes entrepreneurs to shun the investment banking services of Plaintiff, to the detriment of the New Mexican economy and the American economy.

SECOND CAUSE OF ACTION – PUNITIVE DAMAGES

42. The allegations contained in paragraphs 1 – 41 above, are hereby incorporated herein and repeated as if fully rewritten herein.
43. The actions of the Defendants were and continue to be malicious, wanton, reckless and willful, notwithstanding Plaintiff's repeated requests to remove them.
44. The Defendants published, and continue to publish, to a growing audience, these false and defamatory statements of fictitious person who has no digital existence – and another two named contributors of libel, who have denied that they have ever put any information on Quora and have never met or done business with Plaintiff.
45. As specified below, the actions of the Defendants have caused injury to Plaintiff and do so to a growing audience every day.

DAMAGES

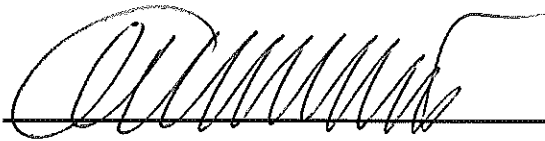
46. The allegations contained in paragraphs 1 – 45 above, are repeated as if fully rewritten herein.
47. As a direct and proximate result of the actions of the Defendants as detailed above, Plaintiff has lost potential investment banking clients.
48. As a direct and proximate result of the actions of the Defendants as detailed above, Plaintiff has lost potential publishers of his books.
49. As a direct and proximate result of the actions taken by Defendants, Plaintiff has lost the respect of a number of angel investors who will no longer invest in Plaintiff-sponsored entrepreneurial companies, thus severely damaging Plaintiff's investment banking effectiveness and income.

50. Defendants' republication of the false statement that Plaintiff lost his license to raise capital for entrepreneurs, which is a patently false statement, and thus libel *per se*—i.e., a clear intent to cause harm—is the equivalent of stating publicly, or supporting the anonymous public shouting out to nearly 9,200,000 people, that a lawyer has been disbarred, or a doctor has lost his license.

PRAYER

51. That this Court enter a judgment in Plaintiff's favor on all counts of this complaint;
52. That this Court award damages in the amount of \$10,000,000.00
53. That this Court further award punitive damages and Plaintiff's legal costs; and
54. That this Court award Plaintiff any and all other relief to which he may appear entitled.

Respectfully submitted,



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A copy of this Complaint has been sent by delivered by required means and by Federal Express signature required, on September 21, 2015, to

Adam d'Angelo
Chief Executive Officer
Quora, Inc.
650 Castro Street
Mountain View, CA 94041 - 2012
650-234-7111

TRIAL BY JURY DEMANDED